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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,932	11/28/2001	Masami Horita	MM4485	7359

1109 7590 09/09/2004

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1251 AVENUE OF THE AMERICAS  
NEW YORK,, NY 10020-1182

EXAMINER
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LETSCHER, GEORGE J

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/994,932

Applicant(s)

HORITA ET AL.

Examiner

George J. Letscher

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 12-18 is/are rejected.
- 7) ☒ Claim(s) 8-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/28/01</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Objections***

1. Claim 4 is objected to because of the following informalities: in claim 4, line 5, the term "form" should be --from--. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Ujiie et al (US 5,781,352).

The aforementioned claims recite the following features, inter alia, disclosed in Ujiie et al (US 5,781,352): An optical pickup device having a lens (11), lens holder (20) supported by a frame (21), actuator (22, 23) driving the lens holder, and a weight part (24) balanced with a weight of said actuator. There is a support part (14) fixed to the frame to oppose the lens holder; and a plurality of elastic supporters (19) which are cantilever springs each extending along the lens holder engaging the lens holder and support part ends. The

weight is a rigid body and is in a position farther in a direction toward a distal end of the lens holder. See Figures 2 and 8 of Ujiie et al

4. Claims 12-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Murakami (US 5,050,963).

The aforementioned claims recite the following features, inter alia, disclosed in Murakami: An optical pickup device having a lens (11), lens holder (11a) supported by a frame (13), and a weight part (12) fixed to the lens holder. There is an adhesive agent fixing the weight part to the lens holder with viscoelasticity such that the weight part (12), balanced with an actuator weight (9), serves as a dynamic vibration absorber by virtue of the characteristics of the adhesive interacting with the weight and lens holder. A support part (5) opposes the lens holder and a plurality of elastic supporter springs (4a, 4b, 6b, 6d) are connected to and engaging the lens holder end and support part end. A concave part (within 13) is bonded with the weight part (which is a rigid body). See Figures 1 and 4 of Murakami.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject

matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ujiie et al in view of Miyamae et al (US 5,901,133).

The description of Ujiie et al is in paragraph 3, supra.

Regarding claims 4 and 6, Ujiie do not teach a concave part to which the weight is bonded and fit, the concave part formed in a tip part on a distal end side of the lens holder. Regarding claim 7, Ujiie et al do not disclose weight and concave part having a rectangular shape.

Miyamae et al '133 shows a optical head pickup unit having a concave part (recess in 7) to which a weight (21) is bonded and fit, the concave part (11a) formed in a tip part on a distal end side of the lens (2) and lens holder (11). Miyamae et al '133 discloses the weight and concave part having a circular shape; see Figures 3a-3b of Miyamae '133.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the optical head pickup having a weight member as taught in Ujiie et al modified with the weight member arrangement whereby the weight sat in a rectangular recess in the holder as taught by Miyamae '133. The rationale is as follows: one of ordinary skill in the art would have been motivated to have provided the optical head pickup having a weight member as taught in Ujiie et al modified with the weight member arrangement whereby the weight sat in a rectangular recess in the holder as

taught by Miyamae '133 since one of ordinary skill in the art would have achieved space savings in the optical head because the weight was located within the lens holder instead of outside the support. Additionally, the rectangular shape of Miyamae '133 was one of a few obvious shape variants that one of ordinary skill in the art would have utilized.

***Allowable Subject Matter***

7. Claims 8-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Letscher whose telephone number is (703) 305-7912.

9. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4750.

George Letscher  
September 7, 2004



**George Letscher**  
**Primary Examiner**  
**AU 2653**